

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

ERIC ADAMS,

Defendant.

**DECLARATION
OF DEREK WIKSTROM**

24 Cr. 556 (DEH)

STATE OF NEW YORK)
COUNTY OF NEW YORK :ss.:
SOUTHERN DISTRICT OF NEW YORK)

DEREK WIKSTROM hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney (“AUSA”) in the Office of Damian Williams, United States Attorney for the Southern District of New York (“USAO-SDNY”). I make this Declaration in support of the Government’s opposition to Defendant Eric Adams’s motion for an evidentiary hearing and sanctions (Dkt. 19). This Declaration is based on my personal knowledge of the facts and circumstances described below, my conversations with other Government officials, and my review of related records.

2. As part of my official duties, I am one of four AUSAs responsible for the investigation that led to the above-referenced case (the “Investigation”). The other AUSAs on the prosecution team are Celia Cohen, Andrew Rohrbach, and Hagan Scotten. There are also five case agents at the Federal Bureau of Investigation (“FBI”) who are responsible for the Investigation, and two case agents at the New York City Department of Investigation (“DOI”) who are responsible for the Investigation.

3. In connection with the Investigation, on or about November 2, 2023, agents with the FBI and DOI executed search warrants at the homes of five subjects, including Brianna Suggs, Rana Abbasova, Cenk Ocal, and two other persons. That same day, the FBI and DOI also served subpoenas on, and attempted to interview, approximately ten other persons, and served a subpoena on one business, KSK Construction.

4. In or about November 2023 and August 2024, after news reports about the Investigation sourced aspects of the reporting to purported law-enforcement sources, the United States Attorney directed that USAO-SDNY conduct interviews to confirm that no leak had come from USAO-SDNY.

5. Beginning in or about November 2023, the FBI took steps to restrict access to information about the Investigation within the FBI by, among other things, avoiding discussing developments in the investigation with FBI personnel who were not participating in the investigation, limiting the dissemination of certain internal FBI reporting, and requesting that supervisors briefed about certain aspects of the investigation closely hold that information.

6. On November 10, 2023, at 4:46 p.m., USAO-SDNY sent an email with the subject line “Reporting About the Investigation,” addressed to the FBI Special Agents and Deputy Inspector General then on the prosecution team that read as follows:

As you may have heard, the media appears to have acquired information about our investigation that was likely known only to law enforcement and certain subjects of our investigation. We don’t know how the media obtained that information and want to be clear that we are not accusing anyone of leaking. But we also want to stress, in the strongest possible terms, that any leaks of law enforcement information are incredibly damaging to the investigation, entirely at odds with our shared duty to maintain confidential information, and quite possibly criminal acts. Please ensure that everyone who is involved in this investigation, or otherwise in a position to learn confidential information about it,

understands this. We cannot stress how seriously our Office takes this.

7. On or about August 13, 2024, the AUSAs on the prosecution team participated in a phone call with defense counsel for Adams, during which the topic of leaks was discussed. USAO-SDNY notes of that call state, in relevant part: “On leaks, SDNY said leaks make our job harder. Took extreme measures to protect meeting, ask WH [*i.e.* WilmerHale] to consider other sources. Boyd [Johnson] understands, letter going to DW [*i.e.* Damian Williams] directly.”

8. On or about August 20, 2024, the AUSAs on the prosecution team participated in a phone call with defense counsel for Adams, during which the topic of leaks was discussed. USAO-SDNY notes of the call state, in relevant part:

Boyd [Johnson]: public reporting on investigation concerning, we’re hoping to get a direct response to our letters confirming you’re looking into the source of leaks

SDNY: first, we of course got your letters and conveyed them appropriately; second, we take very seriously info being released publicly—leaks make our investigations much more difficult, and we do everything we can on our end to prevent confidential information from leaking; but third, we get why you’d like an assurance that we’re investigating but as you know we can’t comment on investigations, so we can’t tell you what we’re looking into it

Boyd [Johnson]: we know we’re aligned on you not wanting leaks and that it makes your task more difficult, especially when investigating an elected official.

9. Before Indictment 24 Cr. 556 (DEH) (the “Indictment”) was returned, in accordance with Department of Justice (“DOJ”) policy, USAO-SDNY notified DOJ officials in Washington, DC that if an indictment was returned on September 24, 2024, then USAO-SDNY intended to execute a search warrant to seize Adams’s electronic devices on the morning of September 26, 2024, to unseal the indictment that day, and to hold a press conference that day announcing the charges.

10. After the grand jury voted on the Indictment, the Government returned the Indictment before the Magistrate Judge on duty in Courtroom 5A, and requested the issuance of a summons. The Government informed the Magistrate Judge, in response to a question, that the Government expected to serve the summons on Adams on Thursday, September 26.

11. On September 25, 2024, the Government submitted applications for search warrants in the Southern District of New York and two other federal district courts. That day, the Government also filed a motion with the duty Magistrate Judge in the Southern District of New York requesting that the Indictment be unsealed and assigned to a District Judge at 10:30 a.m. on September 26, 2024.

12. On or about September 25, 2024, other USAO-SDNY personnel received inquiries from court and United States Marshals Service personnel, who were aware of the plan to unseal the Indictment and who sought information relating to the potential need to arrange a court appearance for Adams.

13. On September 25, 2024 at 12:47 p.m., defense counsel for Adams sent an email to the AUSAs on the prosecution team and to the USAO-SDNY's Chief of the Criminal Division that read, in relevant part, as follows: "We are hearing from numerous sources that there will be charges against the Mayor announced tomorrow."

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
October 18, 2024

By: /s/
Derek Wikstrom
Assistant United States Attorney